**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**ORDINARY ORIGINAL CIVIL JURISDICTION**

**COURT RECEIVER'S REPORT DT.12.5.2006.**
**IN**
**SUIT NO. 998 OF 1992.**

Indian Bank. ... Plaintiff.

Versus.

M/s.Commercial Fibers & others. ... Defendants.

Shri Snehal Shah i/by M/s.Pandya & Co.for the Plaintiff.

Shri Denzil D'Mello for the Defendants Nos.5, 7 & 9.

Shri Deokar, 1st Asstt.to Court Receiver present.

**CORAM : ABHAY S.OKA, J.**

**DATE : 23rd June, 2006.**

**P.C.:**

1. Perused the report of the Court Receiver. Heard the learned Counsel appearing for the parties. It is an admitted position that when the suit was pending in this Court, the Court Receiver, High Court was appointed as Receiver. The suit was admittedly transferred to the Debt Recovery Tribunal at Mumbai. As a consequence of transfer, in view of the Judgment of the Division Bench of this Court in a reference in Chamber Summons No.1047 of 2000 in Suit No.954 of 1987 (Bank of Tokyo-Mitsubishi Ltd.) this Court has no jurisdiction to issue directions to the Court Receiver. In any event, it is an admitted position that the Debt Recovery Tribunal has passed an order on 28th April 2005 by which the Court Receiver, High Court, has been discharged. In view of this

position, no order can be passed on the report. The report is accordingly disposed of.

2. The learned Counsel appearing for the Defendants Nos.5, 7 and 9 makes a grievance that the orders of the Debt Recovery Tribunal are not being implemented. It is for the Defendants to take out appropriate proceedings in that respect.

**Judge.**